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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,929	12/31/2001	Tommy Kristensen Bysted	042933/305222	5905
826	7590	07/24/2007	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			NG, CHRISTINE Y	
		ART UNIT		PAPER NUMBER
		2616		
		MAIL DATE		DELIVERY MODE
		07/24/2007		PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/029,929	BYSTED ET AL.	
	Examiner	Art Unit	
	Christine Ng	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 08 May 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-9, 14-16, 21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-9, 14-16, 21 and 22 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 - 10) The drawing(s) filed on 26 February 2002 and 21 March 2006 is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 5 is objected to because of the following informalities:

In claim 5 line 2, there are two sets of "and said code".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8, 14, 15 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,850,540 to Peisa et al in view of U.S. Patent No. 6,985,457 to Zeira et al.

Referring to claims 1 and 21, Peisa et al disclose in Figure 3 a method of transmitting a radio signal. The method comprises:

Implementing a protocol stack (Figure 3) having at least a physical layer (physical channel 330) and a medium access control layer (MAC entity 320). Refer to Column 6, lines 41-65.

The medium access control layer directing data from an application to a plurality of transport channels (transport channels 325), the data belonging to any of a plurality of classes (quality of service QoS) for which different qualities of service are required, the transport channels being selected in accordance with the class to which the data

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belongs. Peisa et al disclose a method of "packet scheduling in accordance with quality of service (QoS) constraints for data flows in communications systems", wherein the MAC layer "schedules packets transmission of various data flows to meet stipulated criteria, including permitted transport format combinations (TFCs) from a TFC set (TFCS)" (Column 2, lines 48-67). Each transport channel 325 is assigned TFC from a TFCS according to the guaranteed rate transmission rates, QoS, transport block set size, etc. As shown in Figure 4, data flows are sent over a transport channel according to the TFC (step 435). Refer to Abstract; Column 6, line 66 to Column 8, line 2; Column 10, lines 29-56; and Column 17, line 48 to Column 18, line 18.

Processing each transport channel in accordance with a processing scheme (TFC) dependent upon the nature of the application. The TFC includes a transmission time interval, a packet size, and a total transmission size. A data flow is transmitted based on a selected TFC, which depends on the data flow's guaranteed rate transmission rates and QoS. Refer to Column 5, lines 27-34.

Multiplexing the transport channels to provide a physical layer signal. "The transport channels 325 are not independent of one another, and are later multiplexed onto a single physical channel 330 at the physical layer 330..." (Column 7, lines 27-29)

A code (TFCI) identifying each transport channel processing scheme. A Transport Format Combination Indicator (TFCI) identifies a corresponding TFC. Refer to Column 7, line 61 to Column 8, line 2.

Peisa et al do not disclose that the code is included in said physical layer signal.

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Zeira et al disclose in Figure 2B that a TFCI is included in a physical layer signal frame. Refer to Column 4, lines 52-67. A TFCI indicates a particular TFC, and is transmitted to the receiver to inform the receiver which transport channels are active for the current frame. Based on the TFCI, the receiver can interpret which physical channels and which timeslots have been used. The TFCI provides coordination between the transmitter and receiver. Refer to Column 1, lines 21-35 and Column 2, lines 3-12. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include that the code is included in said physical layer signal. One would be motivated to do so so that the receiver can determine the transmission parameters from the TFCI in order to properly decode the received information.

Referring to claim 2, Peisa et al do not disclose that said physical layer signal comprises a TDMA signal and said code is transmitted in predetermined locations.

Zeira et al disclose in Figure 2B that the physical layer signal is a TDMA signal and the code (TFCI) is transmitted in predetermined locations (within one or both of the data fields adjacent to the midamble). Refer to Column 1, lines 12-17; Column 2, lines 48-51; and Column 4, lines 52-67. The frame is used in a hybrid TDMA/CDMA system. Refer to Column 8, lines 25-30. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include that said physical layer signal comprises a TDMA signal and said code is transmitted in predetermined locations. One would be motivated to do so so that the receiver can locate the TFCI

information in certain locations of the frame and then properly decode the received information using the transmission parameters.

Referring to claim 3, Peisa et al do not disclose that said code is distributed across a plurality of bursts.

Zeira et al disclose in Figure 2B that the code (TFCI) is distributed across a plurality of bursts. Each burst contains a TFCI informing the receiver of which transport channels are active for the current frame and which timeslots have been used. Refer to Column 2, lines 3-12; and Column 4, lines 52-67. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include that said code is distributed across a plurality of bursts. One would be motivated to do so so that the receiver can locate the TFCI information in certain locations of the frame and then properly decode the received information using the transmission parameters.

Referring to claim 4, Peisa et al disclose a radio transmitter (Figure 2, UE 110) comprising radio transmitting circuitry and processing means (Figure 3).

The processing means being configured to implement a protocol stack (Figure 3) having at least a physical layer (physical channel 330) and a medium access control layer (MAC entity 320) for directing data from an application to a plurality of transport channels (transport channels 325), the data belonging to any of a plurality of classes (quality of service QoS), for which different qualities of service are required, wherein the transport channels are arranged to be selected in accordance with the class to which the data belongs, and to be multiplexed to produce a physical layer signal. Refer to the rejection of claim 1.

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Each transport channel arranged to be processed in accordance with a processing scheme (TFC) dependent upon the nature of the application. Refer the rejection of claim 1.

Wherein the processing means is configured to include a code (TFCI) identifying each transport channel processing scheme. Refer to the rejection of claim 1.

Peisa et al do not disclose that the code is included in said physical layer signal. Refer to the Zeira et al rejection part of claim 1.

Referring to claim 5, refer to the rejection of claim 2.

Referring to claim 6, refer to the rejection of claim 3.

Referring to claim 7, refer to the rejection of claim 1. The MAC layer (Figure 3, MAC entity 320) "has to decide how much data to transmit on each transport channel 325 connected to it" (Column 7, lines 25-27). Furthermore, the method of selecting TFC's shown in Figure 4 is performed by MAC entity 320. Refer to Column 7, lines 25-60; and Column 10, lines 29-56.

Referring to claim 8, refer to the rejection of claim 1. A physical layer (Figure 3, physical channel 330) is connected for use with the MAC layer (Figure 3, MAC entity 320). Refer to Column 6, lines 41-65.

Referring to claim 14, refer to the rejection of claim 4. The radio transmitter (Figure 2, UE 110) comprises a MAC layer (Figure 2, MAC-c and MAC-d). Refer to Column 4, lines 20-47. The MAC layer (Figure 3, MAC entity 320) "has to decide how much data to transmit on each transport channel 325 connected to it" (Column 7, lines

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25-27). Furthermore, the method of selecting TFC's shown in Figure 4 is performed by MAC entity 320. Refer to Column 7, lines 25-60 and Column 10, lines 29-56.

Referring to claim 15, refer to the rejection of claim 4. The radio transmitter (Figure 2, UE 110) comprises a physical layer (Figure 2, PHY). Refer to Column 4, lines 20-47. A physical layer (Figure 3, physical channel 330) is connected for use with the MAC layer (Figure 3, MAC entity 320). Refer to Column 6, lines 41-65.

4. Claims 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,850,540 to Peisa et al in view of U.S. Patent No. 6,985,457 to Zeira et al, and in further view of U.S. Publication No. 2002/0164980 to Eriksson et al.

Peisa et al do not disclose that the processing schemes are specified at call set-up when the radio signal is for use in a mobile communications systems.

Eriksson et al disclose in Figure 2 a radio transceiver that includes a transport format combination storage device 14 that stores a plurality of transport format combination sets corresponding to a plurality of different calls. The TFCS descriptors are provided during call set up, with the call information 27. An assembler 16 uses a TFCI to index each of the transport format combinations in the storage device 14, and uses a call ID index the desired transport format combination set in device 14. Refer to Section 0057 and 0065. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include that the processing schemes are specified at call set-up when the radio signal is for use in a mobile communications systems. One would be motivated to do so so that the appropriate transmission

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parameters specified by the TFC and corresponding to a specific call can be used for the call.

5. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,850,540 to Peisa et al in view of U.S. Patent No. 6,985,457 to Zeira et al, and in further view of U.S. Publication No. 2002/0027897 to Mousley et al.

Peisa et al do not disclose selecting a modulation technique to be applied to the physical layer signal for transmission, wherein the processing scheme is dependent on the modulation technique.

Mousley et al disclose that a station can send modulation scheme selection commands to another station in the TFCI field carried on the communications link. Modulation schemes for transmission can include 64-QAM, 16-QAM or 8-PSK. Refer to Section 0018, 0098 and 0110. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include selecting a modulation technique to be applied to the physical layer signal for transmission, wherein the processing scheme is dependent on the modulation technique. One would have been motivated to do so to notify the transmitting and receiving sides of the modulation technique used in order to demodulate the data.

Response to Arguments

6. Applicant's arguments filed May 8, 2007 have been fully considered but they are not persuasive.

Peisa et al disclose processing transport channels in accordance with a

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processing scheme dependent upon the nature of the application. As shown in Figure 8, several parameters including QoS class, guaranteed rate, and queue fill level are obtained for each TFC of each logical channel (step 805). A score is then determined (steps 810 and 815) and a TFC is chosen (step 820). Figure 8 "ensures that if there is a TFC that transmits at least the guaranteed rate for each flow, then that TFC is chosen" (Column 19, lines 11-13). Figure 8 also "attempts to maximize the amount of data being transmitted from the highest QoS class(es)" (Column 19, lines 13-15). Refer to Column 17, line 66 to Column 19, line 17. Therefore, depending on the nature (QoS) of the application, a certain TFC for a certain logical channel is chosen to transport that application.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

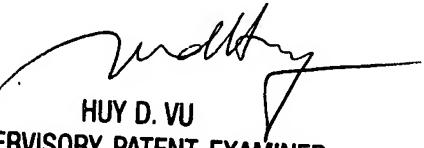
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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine Ng whose telephone number is (571) 272-3124. The examiner can normally be reached on M-F; 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

C. Ng
July 9, 2007


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